

REMARKS/ARGUMENTS

Claims 1-6 and 13-14 are pending in the application. With this amendment, claims 1, 3, and 5 have been amended and claims 13 and 14 have been cancelled. No new matter has been added.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Chen et al. US Patent 6,123,944 for the reasons of record. In order to overcome the rejection, the limitations of allowable claim 13 have been added to independent claim 1. Thus, claims 1 and 2 are in condition for allowance.

Claims 3-6 have been rejected under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §112, second paragraph, for being indefinite.

Regarding claim 3, the same has been amended to clarify that the percentages ethanol are a volume percentage as can be taken from Page 3, 5th and 6th full paragraphs as well as Page 5, last paragraph, wherein it is indicated that the percentages are a concentration and described using volume units, i.e. liters.

The prior Amendment B defined the crude flavones of claim 3 (as well as claims 1 and 2) as a weight percentage, wherein the crude flavones are described in Page 3, fifth full paragraph and the weight percentage is described in the last paragraph of Page 5 continuing onto Page 6.

Support for the claimed process step of filtering the extract to obtain a filtrate is set forth on Page 5, last line, where it is also further stated that the organic solvent is recovered from the filtrate and added into a resin column on Page 6, line 1. Accordingly, support is also present for adding the recovered organic solvent containing the extracted *Epimedium* herb to an absorption column. Further support for the amendment is found on Page 3, fifth full paragraph.

Accordingly, no new matter has been added and is respectfully submitted that the 35 U.S.C. §112 first and second paragraph rejections have been overcome.

Regarding claim 5, the same describes a refinement process for further narrowing the molecular weight range of the polysaccharides to 45,000 to 620,000 Daltons. The claimed process step is described on Page 2, sixth full paragraph, wherein following the *Epimedium* polysaccharides extraction protocol, the crude

polysaccharides are redissolved in water, a sufficient quantity of ethanol is added to a final concentration of 70% to 85% by volume and refined polysaccharides are harvested by filtration.

The 35 U.S.C. §112, second paragraph, rejections regarding claims 1-2 and 13-14 have been addressed in the amendment submitted October 26, 2006 which crossed in the mail with the current rejection. Accordingly, all claim objections and rejections have been addressed.

In view of the amendments, it is believed that all claims are in condition for allowance and a notice of such is earnestly solicited.

Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated or expedited allowance of the application.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA



By: Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/lb

2020 Front Street, Suite 307
Cuyahoga Falls, OH 44221-3257
Tel: (330) 535-2220
Fax: (330) 535-1435

Attorney Docket No. CNIP-C-PCT-US